

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
MICHAEL GRINKLEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-11529-NG
	)	
ANDREA CABRAL,	)	
	)	
Respondent.	)	
_____	)	

**RESPONDENT'S MOTION TO DISMISS FOR FAILURE**  
**TO EXHAUST STATE COURT REMEDIES**

The respondent, through counsel, moves to dismiss this petition seeking a writ of habeas corpus for failure to exhaust state court remedies. In support of his motion, the respondent states that because the petitioner has not yet provided the state's highest court with the first opportunity to pass on the merits of his claims, the petition should be dismissed. 28 U.S.C. § 2254(b)-(c). The respondent reserves the right to submit a memorandum raising additional defenses, if necessary.

In support of this motion, the respondent relies upon a memorandum of law, filed herewith.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Susanne G. Reardon  
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December 13, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the attached document was served upon Michael Grinkley, pro se, 200 Nashua Street, Boston, MA 02114, by first class mail, postage pre-paid, on December 13, 2005.

/s/ Susanne G. Reardon  
Susanne G. Reardon  
Assistant Attorney General